

Webinar on Child Rights

**Significance and Need for Child Safeguarding,
Children in Need of Care & Protection in Post Covid-19,
Prevention of Children from Sexual Offences**

Meeting ID: 970 2441 3705

Passcode: 921671

Meetinglink

<https://zoom.us/j/97024413705?pwd=cWNPV1FOMIRvM2pnNUZQQ25YQXNZQT09>

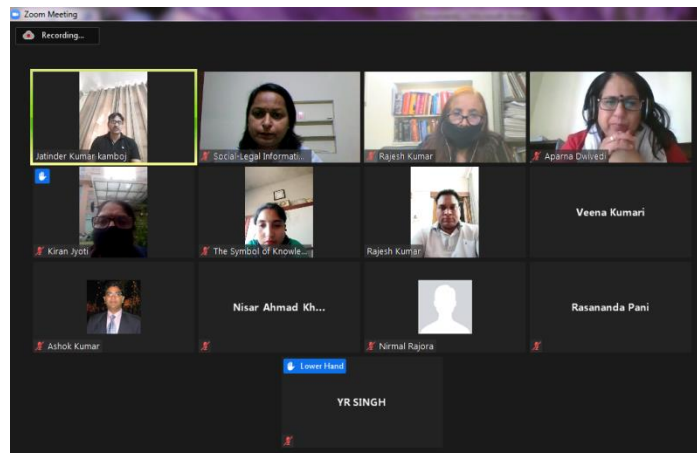
Date: 31st October, 2020 (Saturday)

Time: 11 AM to 1.15 PM

By:

Human Rights Law Network (HRLN) &

Ambedkarite Women's Era



HRLN
HUMAN RIGHTS LAW NETWORK

Webinar on Child Rights

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Subject/ Topic	Time	Resource Person
Introduction and Context Setting	11.00 to 11.10 AM	Adv. (Ms.) Veena Kumari, Human Rights Law Network, Chandigarh
Significance and Need for Child Safeguarding while working on Child Rights	11.10 to 11.35 AM	Ms. Aparna Dwivedi, Former Member, Child Welfare Committee, Delhi, currently Manager, Child Safeguarding & Training, Railway Children India(over 21 years of Experience)
	11.35 to 11.45 AM	Interaction with Participants
Vulnerabilities of Children in Need of Care & Protection in Post Covid-19 situation, with special focus on	11.45 AM to 12.10 PM	Mr. Afsar Ahmad Khan, Assistant Manager, Strategic Alliances, Railway Children India & Senior Child Rights Activist (over 22 years of Experience)

Children in Contact with Railways	12.10 to 12.20 PM	Interaction with Participants
Prevention of Children from Sexual Offences: Knowing the Law and the Processes in ensuring Justice to Child Victims	12.20 to 12.45 PM	Adv. Jatinder Kumar Kamboj
	12.45 to 1.00 PM	Interaction with Participants
Valediction and the Way Forward	1.00 to 1.15 PM	Adv. (Ms.) Veena Kumari

Report

A one day webinar on the issue of “the Concerns Pertaining to Child Rights Significance and Need for Child Safeguarding, Children in Need of Care & Protection in Post Covid-19, Prevention of Children from Sexual Offences was organized by the Human Rights Law Network , Chandigarh in collaboration with Ambedkarite Women’s Era on 31.10.2020. Various NGO’s, Advocates, Students, Teachers, Research Scholars and Home Makers got connected in the said virtual meeting.



The welcome and concept note of the webinar was addressed by Adv. Veena Kumari, HRLN, Chandigarh. She opened her address with the definition of Child stating that any individual who has not completed the age of 18 years is a child. She further added that the childhood is a process of life cycle and every person passes through the said process and experience different experiences. But these experiences are very vital and bad experiences experienced during childhood impact the whole adult life. Therefore every child has a right of protection not only for

the child herself/himself but also for the balanced and better growth of the society as well.

Adv. Veena further added that children need protection being more vulnerable in comparison to the adult and they get more impacted by the omission and commission committed by the individually society and State.

She further added that generally the children are perceived as property and object. They instead of getting guidance are controlled and imposed. She also shared that through the children according to there are get matured, but despite of that every child needs protection & care though charted according to the age. She also added that our country has rectified the child right conserve in 1992 and therefore in liable to implement the mandate provided in the said convention. She also shared that generally it is thought that only the give child is subject to sexual abuse, but the fact is that both the sexes are subject to sexual exploitation. Adv. Veena Kumari, Welcomed to introduced the resources person and shared the Agenda for the day.

Ms. Aparna Dwivedi, Former Member, Child Welfare Committee, Delhi, currently Manager, Child Safeguarding & Training, Railway Children India (over 21 years of Experience) shared about Significance and Need for Child Safeguarding:



Ms. Aparna shared with the house that the possibilities of the Child exploitation have got increased and the reported cases are only tip of iceberg. Our information pertaining to exploitation of the children take place in the homes are by whom actually are to protect the children and need to keep a vigilance on the rights of the children.

The children cannot collect courage to share such kind of exploitation. She further added that we only come to know about the cases which were reported by the media and also how these case are projected by the media.

Ms. Aparna shared about the study which was conducted in the year 2007. In this study a drastic date came out that 54% children are sexually abused. Ms. Aparna further added that why and how the children can be protected that is the main concern. Since the violence caused to the children remain with them for the whole life, therefore this protection is very significant. The children who supported violence cannot become normal for the whole life. She

gave an example of a case wherein a girl around the age of 12-13 committed suicide being chased and then threatened that if she does not surrender before the whims of the perpetrator, her younger sister would be harmed. Ms. Aparna expressed her concern by sharing that the children do not know how to come out of the exploited situation. Further they do not know if they come out of the exploited situation, where they would go. Further the language or communication is also a significant barrier since a child from Assam found trafficked in Delhi cannot communicate. She asked the house to take responsibility of protecting the children in all manners as and when required according to the situation. She shared there are various legislation as well e.g. Child Labour Prohibition, Child Marriage Act, J.J.Act and POCSO etc.

Ms. Aparna after sharing the basic concerns spoke about the children wherein ever the stake holders or the individual/organization/Govt. Agencies are not aware about how to work with the children. They generally work with the biases based on their personal life.

Ms. Aparna expressed that since we all carry our personal experience & biases even when working on the issue of children, we need a child safeguarding policy. Ms. Aparna did an exercise with the house and that in that exercise the participants were gave

different answers are the same sufficient to prove that our response to the same situation could be different due to our own experience. The exercise also gave the clear idea that we while working with the children need a standard procedure and there must be do's and don'ts for the individual/organization working with the children. This do's and don'ts only can be made with the help of child safeguarding policy. Only Child safeguarding policy can guide us how we can keep children safe from our own biases while working from their protection. The policy can guide us how to deal the children. The child safeguard policy can proves us a set of do's and don'ts and also guide us in prepare in developing I.C. Material as well. Nit can also guide us in the selection process, entitled orientation and after that periodical training also.

Ms. Aparna presentation was mainly focused on the point that even the individual/organization/Govt. agencies are not conversant how to work with the children and even the children are to suffer the personal biases of their stakeholders may be unintentionally sometimes cause adverse impact on the children instead of protecting them. Therefore, a child Safeguard Policy is very vital to set standard operating procedure, do's and don'ts for the stakeholders, in their selection process, in their training /an orientation at the time of induction and then frequently after some fixed schedule and also to fix responsibilities of the individual

who are not directly involved with the protection of children but are a part of the organization working on the issue of the child protection. The policy also can focus the response of the worker who though is not abuser but does not report the abuse to the agency to whom it should be reported and that also in the prescribed period.



Ms. Madhvi Kataria, a Senior Govt. Officer with Punjab Government, who is known for her various social concern and having issue of children protection close to heart shared her views. She shared with the house that in our system the victim is more victimized due to the biases of the society and the children also suffer the some biases. She lamented that the society instead of profession is going towards regression. She added that there is various kinds of abuses, but the implementation of these laws is very negligible. She shared that our society has biases of patriarchy and castes and the system is not simple rather it has

layers to layers which are not easy to comprehend. She added that the support of the groups working on the issue of caste, children & women is not required only at the time of filing the case, rather during the whole proceeding before the court of law. This not only gives confidence & protection to the survivor, rather of creates pressure on the judging system also as well since the judge also feels that he is being monitoring and under radar.

Ms. Kataria also shared the importance of review of the judgment and discussing the same in a responsible manner. She shared about Ms. Rajni's case which where the victim/survivor had to suffer further. She lamented that number of times the whole narrative gets changed. She added that number of cases pertaining to abuse of children go unreported in the name of so called dignity & respect of the family. Ms. Kataria also shared how the support groups remain present in the Court during the proceedings in the United States of America and how the presence of the groups create positive pressure on the Judicial system and confidence to the survivor and a clear message to the perpetrator. She also lamented that our biases negative undue importance to the so called porosity of the body which is being urged as a battle ground and also negative impact on the mind of survivor that his/her life has been totally ruined due to violation of the body.

Mr. Afsar Ahmad Khan, Assistant Manager, Strategic Alliances, Railway Children India & Senior Child Rights Activist (over 22 years of Experience) spoken about Vulnerabilities of Children in Need of Care & Protection in Post Covid-19 situation, with special focus on Children in Contact with Railways:



Mr. Afsar Ahmad Khan opened with the observation that we need to know who are the children, why do they need protection, what are the problems they do face, how they are exploited, who are the exploiters. Mr. Khan added that Railway is a vast community source. There are 7500 Railway Station of different categories Railway Children India is working in three countries i.e. India, Ethopia & Britain. We have been working with various organizations. Our vision is no children is reduced or to remain on the streets.

Mr. Khan shared his experience when just before lock down he had gone to his native place in Bihar and was struck there only. This was the period when all channels of community were suspended. But despite of that one child from the other state was found and rescued and some children of his own village got missing mean left or trafficked from the State/Bihar. It should that despite of suspension of all community channels the children were leaving their home/native places or well forced to leave or trafficked.

Mr. Khan shared every person in the country was upset due to Covid-19. The children also cannot be exception. The children could be move upset due to lack of food, alcoholism in the family or domestic violence caused against women.

Mr. Khan shared another point i.e. migration of children along with their parents and their organization found atleast more than 3000 children who were accompanying their families. While keeping into consideration the needs of the children were also added in the food supply like water bottle, biscuits and bananas etc.

It was also observed that the women and children were always move adversely affected due to any calamity natural or manmade.

Mr. Khan further shared his experience in the area of Jamia, in Delhi where he resides. In an accident both the parents passed away and all the three children became orphan. Till the guardian/relatives of the children not come, these children were the responsibility of the State. By give this example Mr. Khan made clear about the issue pertaining to the children in need of care and protection. He also shared the incident when a child was travelling along with his/her mother during lockdown and mother passed away on the railway station and the child become orphan. The children who are on the streets, trafficked, orphaned, begging, surrendered by the parents, abandoned by the guardian at different places are the children in need of care & protection and are responsibility of the State till they complete the age of 18 years.

Mr. Khan gave another example wherein a family was travelling from Delhi to Patna and by chance a child was left behind and the train started. In this case also the child was a child in need of care and protection till the child's parents or guardian came to be with the child. He also shared a good order of Delhi High Court pertaining to the children in need of care and protection. Mr. Khan going little deeper observed by most of the children come to railway station. He shared that across the Country the Railway is a vast channel of community and has traffickers also it is selected

mode since while travelling by Bus there are greater chances to be identified and caught. He shared that across the Country every five minutes one child either trafficked or its own reaches on the Railway Station. He further disclosed that on 135 railway station with 17 categories more than one like children in 9 year reach. In the said circumstances of the requisite help does not need in time to the child, perpetrator cannot reach to the child and even the child can be sold as a child labour on some Dhaba or other places where he is to be exploited in all possible manner for a long time. Mr. Khan further shared that on a south Railway Station i.e. New Delhi Railway Station 25-30 children reach and only 12 children get timely help and where the other 15 children are going, is a matter of deep concern. He also mentioned between the months of March the girls were about 57%. He further added that these children leave their home due to various reasons like poverty, family environment, and peer group pressure broken family and non-trust on the parents. But most of the children leave the family due to neglect by the guardians.

Mr. Khan added that Post Covid-19 situation is also alarming. The children are facing violence due to various reasons. The children got sick while migrating with the family. They have been abandoned also. There is a limited support system available for the children across the country.

Things are not happening as they should happen. There is a challenge for the whole system including the individual and the groups and the agencies worked with the children. We need better nurturing of the children for the sake of better society.

Ms. Kiran shared with the house that every participants being a grass root worker needs to be connected with the child friendly institute and to work for the safety and liftment of the children.

Mr. Ashok Kumar a research Scholar, Punjab University raised a query pertaining to the authenticity of the data and how the video, photographs and other documents are kept safe pertaining to abuse of the children and expressed for need of some policy. He also mentioned about the misuse of these documents which are being sold for amounting to crores.

Adv. Jatinder Kumar Kamboj discussed on the issue of Prevention of Children from Sexual Offences: Knowing the Law and the Processes in ensuring Justice to Child Victims:



Sh. Jatinder Kumar Kamboj addressed on Protection of Children from Sexual Offences. He explained how the POCSO Act came in to picture since India was the signatory of the International convention which was held in 1992. It was obligation on our contrary to make such law which can protect the children from sexual offences. He further explained the various categories of offences which have been mentioned in the Act. He explained the definition of the penetrative sexual assault and aggravated penetrative sexual assault. He further explained the punishment for the various offences as per their gravity. Further the POCSO Act provides various rights to the victim and also provides procedure how the rights of the children can be protected. Like direct question cannot be asked to the child during the proceeding

so that the child should not be victimized. He further explained that if any offence is committed under this Act, it is the duty of every person to report the matter immediately to the Police failing which action as per law may be taken against such person and the police on receiving such complaint shall register FIR. He further stated that there is special court established under the Act which shall take care the interest of the child and the burden of proof would be on the accused and not on the prosecution. Then it is duty of the court or the police officer to provide immediate medical help, compensation or any other things which the court may deem fit in the interest of child. The child is also entitled to have a free legal aid. More over the child is also entitled to have support person who would escort the child throughout the proceedings. The child is also entitled to have camera proceedings and his identity cannot be disclosed unless and until it is in the best interest of the child. Then he explained the child friendly procedure which is to be followed by the court. The main focus of this Act is to protect the children from sexual abuse, sexual assault and pornography. Thereafter he answered the query put by the house and explained it thoroughly.

The meeting was concluded with vote of thanks by Adv Veena Kumari from HRLN.

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